

LICENSING PANEL

Thursday, 20 January 2022

Present: Councillors A Hodson (Chair)
D Mitchell
A Wright

33 APPOINTMENT OF CHAIR

Resolved – That Councillor A Hodson be appointed Chair for this meeting.

34 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the Panel were asked to declare any disclosable pecuniary and non pecuniary interests in connection with any application on the agenda and state the nature of the interest.

No such declarations were made.

35 9.30 AM APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - PARK VIEW CONVENIENCE STORE, 1 LINGHAM LANE, MORETON

The Director of Law and Governance reported upon an application that had been received from Hidhayadul Nooria Mohammed Hasan for a Premises Licence in respect of Park View Convenience Store, 1 Lingham Lane, Moreton.

It was reported that the premises do not currently have a Premises Licence. The hours applied for were set out within the report and following discussions with Merseyside Police, the hours requested for the sale of alcohol had been reduced by the applicant. The applicant had originally requested that the sale of alcohol commence from 06:00.

The applicant had submitted an operating schedule setting out how the business would be conducted/managed in accordance with the four licensing objectives. A copy of the full application was available. Members were advised that the proposals set out in the operating schedule may become conditions of the licence should the application be granted.

In respect of the application, a representation had been received from a local resident. The representation related to anti-social behaviour occurring within the vicinity of the premises and public nuisance being caused to local

residents which they believed would be exacerbated should the application be granted. A copy of the representation was available.

The applicant attended the meeting together with his agent. A local resident was also in attendance.

The Licensing Manager outlined the report and confirmed that all documentation had been sent and received.

The applicant's agent reported that the application had been made as the premises had been refurbished from a former hairdressers into a local convenience store selling household goods and groceries and that alcohol would not be the focus of the business and only sold as part of the convenience offering which would form about 15% of the total goods available to customers.

The applicant's agent outlined how the business would be operated and the measures that would be put in place to promote the four licensing objectives. She reported that the applicant had invested £75,000 into the property and that all equipment and security systems had been installed which included external shutters, an alarm and new CCTV system.

Members of the Panel were advised that the applicant has had over 12 years' experience of alcohol sales and he had put forward comprehensive conditions to promote the licensing objectives. These included a Challenge 25 Policy, training of staff before they would be allowed to sell alcohol, CCTV and other measures to prevent the sale of alcohol to persons under the age of 18. The applicant's agent also referred to the reduction in the application for the hours applied for the sale of alcohol further to discussions with Merseyside Police and that no representations had been received from any of the Responsible Authorities.

The applicant responded to questions from Members of the Licensing Panel, the Licensing Manager and the Legal Advisor to the Panel.

The local resident addressed the Panel and raised his concerns in respect of another premises being allowed to sell alcohol in the area. He reported upon his experience living next door to these premises which had operated as a number of different types of business and provided a detailed account of the anti-social behaviour that he had witnessed in the area as well as criminal activity. The local resident expressed his particular concern in relation to youths in the area gaining access to alcohol which they then consumed in the local park. He described how youths in the area intimidate adults to purchase alcohol on their behalf and gave a particular example of a relative being physically attacked. He advised Members that he believed that should the application be granted, this would result in additional crime, anti-social behaviour in the area.

The local resident responded to questions from Members of the Licensing Panel, the Licensing Manager and the Legal Advisor to the Panel.

The applicant's agent accepted the concerns of the local resident, however she referred to the fact that no representations had been received from Merseyside Police and requested that the application be granted.

In determining the application Members of the Licensing Panel had regard to the Licensing Objectives, the Council's Statement of Licensing Policy and the Statutory Guidance issued under Section 182 of the Licensing Act 2003.

In determining the application Members gave consideration to the representations made by the local resident and also had regard to the statutory guidance issued under the Licensing Act 2003 which states that their decision should be evidenced based and appropriate for the promotion of the licensing objectives. In this regard, Members had taken into consideration the fact that there had been no representation from Merseyside Police or any of the relevant Responsible Authorities. Members also took into consideration the fact that no evidence had been provided that the applicant would be likely to sell alcohol to persons under the age of 18 and that conditions placed on a Premises Licence, should it be granted, would be effective in preventing these type of sales.

In coming to their decision, Members gave consideration to the assurances provided by the applicant that the premises would be managed in such a way as to prevent any nuisance being caused to local residents. The Panel also took into account the conditions set out in the operating schedule.

Members also took into account Section 11 of the Guidance in respect of the review mechanism provided by the Licensing Act 2003 when problems associated with the Licensing Objectives occur after the grant of a Premises Licence.

Resolved –

(1) That in accordance with Regulation 14(2) of the Licensing Act 2003, the public be excluded from the meeting during consideration of the application.

(2) That the application for a Premises Licence in respect of Park View Convenience Store, 1 Lingham Lane, Moreton be granted with the following hours:

Sale by Retail of Alcohol

Sunday to Saturday 07:00 to 23.00

Hours Open to the Public

Sunday to Saturday 06:00 to 23:00

36 **11.00 AM APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - BYRNE AVENUE BATHS, BYRNE AVENUE, ROCK FERRY**

The Director of Law and Governance reported upon an application that had been received from Byrne Avenue Trust for a Premises Licence in respect of Byrne Avenue Baths, Byrne Avenue, Rock Ferry.

It was reported that the premises do not currently have a Premises Licence. The hours applied for were set out within the report.

The applicant had submitted an operating schedule setting out how the business would be conducted/managed in accordance with the four licensing objectives. A copy of the full application was available. Members were advised that the proposals set out in the operating schedule may become conditions of the licence should the application be granted.

Following discussions with Merseyside Police, the applicant had agreed to have a number of conditions, in addition to those proposed in the operating schedule, placed on the Premises Licence should the application be granted. Details of those conditions were set out within the report.

In respect of the application, four representations had been received from local residents. A petition signed by 35 local residents had also been received. The representations related to concerns of anti-social behaviour and public nuisance that may be caused by customers of the premises as well as parking related issues should the application be granted. Copies of the representations were available.

A representation had also been received from Ward Councillor Moira McLaughlin who supported the representations submitted by local residents. A copy of the representation was available.

The applicant attended the meeting together with the Chair of Byrne Avenue Trust and the proposed Designated Premises Supervisor. Two local residents were also in attendance.

The Licensing Manager outlined the report, confirmed that all documentation had been sent and received and advised that one local resident had given permission for one of the local residents in attendance to speak on her behalf and that she had submitted a statement which the Licensing Manager would read to all parties at the appropriate time.

The applicant reported that the premises had been closed for the past 12 years and that the Byrne Avenue Trust had acquired the building in 2017 by way of a community asset transfer. The applicant informed Members of the Panel that they intended to open the sports hall next week. Members were advised that the operation of Byrne Avenue baths was dependent upon the provision of grants and fundraising and that the application for the Premises Licence had been made in order to facilitate fundraising events that would be necessary to upkeep the operation of the building.

The Chief Executive of the Trust reported that the ethos of the Trust was related to community, health and heritage which involved protecting the building and heritage of the area. She advised that the sports hall would be hired out and the community room would be used for activities such as yoga and children's birthday parties but that it would not be the intention to have 18th or 21st birthday parties.

The applicant also stated that there was no intention to operate the café as a bar, there would be no TVs in this area and that they would be content to limit the purchase of alcohol in this area to 8.00 pm.

The applicant responded to questions from Members of the Licensing Panel, the Licensing Manager, the Legal Advisor to the Panel and a local resident who was in attendance at the meeting.

The local residents in attendance outlined their concerns in respect of alcohol being sold from these premises and advised that there were houses within close proximity to these premises. The local residents reported upon anti-social behaviour within the vicinity of the premises which had been witnessed by local residents and included drug dealing in the area. The local residents expressed concern regarding the nuisance that they believed would be caused by customers of the premises should an alcohol licence be granted. This included concerns relating to people standing outside smoking and customers leaving the premises at a late hour in a disorderly manner.

The local residents informed Members that parking had been an issue when the premises had previously operated but that they were prepared to tolerate this up to 10.00 pm however they were concerned that the provision of alcohol until midnight would cause great disturbance to local residents.

The Licensing Manager read out a statement that had been submitted by a local resident who had submitted a petition however was unable to attend the meeting and expressed concerns that the premises were located within a residential area and that should the application be granted, local residents would suffer noise and disturbance, there would be parking issues, unsociable hours, alcohol related incidents, litter and disruption.

Members of the Panel also had regard the written representation received from Councillor Moira McLaughlin, Ward Councillor who supported the concerns raised by local residents.

In response to the representations made by local residents, the applicant advised that they would be prepared to limit the number of events at the premises to no more than 20 and reduce the time when alcohol would be available in the café from 12.00 pm to 8.00 pm.

In determining the application Members of the Licensing Panel had regard to the Licensing Objectives, the Council's Statement of Licensing Policy and the Statutory Guidance issued under Section 182 of the Licensing Act 2003.

In coming to their decision, Members considered the operating schedule which formed part of the application and states that all events involving alcohol would be held during the daytime or would be ticketed events and that the purchase of alcohol could only be made by customers attending activities at the venue and there would be no 'walk up' customers solely to purchase alcohol.

In determining the application, Members gave consideration to the representations made by local residents and also had regard to the statutory guidance issued under the Licensing Act 2003 which states that the decision should be evidenced based and appropriate for the promotion of the licensing objectives. In this regard, Members took into consideration the fact that there had been no representation from Merseyside Police or any of the relevant Responsible Authorities and no evidence had been provided that the granting of the licence would directly undermine the licensing objectives.

Members also took into account Section 11 of the Guidance in respect of the review mechanism provided by the Licensing Act 2003 when problems associated with the Licensing Objectives occur after the grant of a Premises Licence.

Resolved –

(1) That in accordance with Regulation 14(2) of the Licensing Act 2003, the public be excluded from the meeting during consideration of the application.

(2) That the application for a Premises Licence in respect of Byrne Avenue Baths, Byrne Avenue, Rock Ferry, be granted with the following hours:

Hours open to the Public

Sunday to Thursday 09:00 to 22:00

Friday to Saturday 09:00 to 00:00

Sale by Retail of Alcohol (on and off the premises) in the café area is permitted during the following hours:

Sunday to Saturday 12:00 to 20:00

In respect of the remainder of the licensed area the use of which is limited to 20 occasions in any one calendar year the hours are as follows:

Sale by Retail of Alcohol (on and off the premises)

Sunday to Thursday 12:00 to 21:30

Friday and Saturday 12:00 to 23:30

Provision of Play, Provision of film, Indoor sporting events, Boxing or Wrestling, Live Music, Recorded Music, Performance of Dance

Sunday to Thursday 09:00 to 22:00

Friday and Saturday 09:00 to 23:30

Late Night Refreshment

Friday and Saturday 23:00 to 23:30